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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re STEVE A., a Person Coming Under
the Juvenile Court Law.

2d Juv. No. B260162
(Super. Ct. No. JV50104)
(San Luis Obispo County)

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVE A.,

Defendant and Appellant.

In April 2013 a juvenile wardship petition was filed against Steve A. (minor), who was then 15 years old. Minor admitted an allegation that he had committed misdemeanor vandalism by painting graffiti on another's property. (Pen. Code, § 594, subd. (a), (b)(2)(A).) Minor appeals from a juvenile court order directing him to pay restitution of \$3,800 for graffiti removal. We affirm.

Facts

At 12:41 a.m. on April 8, 2013, Officer Joe Ramirez saw "fresh orange and black graffiti on the east wall of the North County Racquet Association" (Association) in Paso Robles. The graffiti included "805," "Paso Robles 13," and "PR 13." Ramirez detained minor and his companion, who were walking nearby. Both of them had orange and black paint on their hands.

Restitution Hearing

The Association's east and west walls were vandalized with graffiti. Minor's counsel agreed that her client was responsible for graffiti on the east wall, but objected to his payment of restitution for graffiti on the west wall. The parties stipulated that, on the night appellant was detained, Officer Ramirez had not looked at the west wall. They further stipulated that Ramirez had "notified the owner the next day of the graffiti [on the east wall] and . . . was not asked to come back and document any graffiti on another wall."

Byron Lilly, the president of the Association in April 2013, testified as follows: The Association's east wall faces the street and is accessible to the public. The west wall is inside a private area surrounded by a chain link fence with a locked gate. The fence is between five and six feet high. People have repeatedly climbed over the fence or gate and trespassed on the Association's property. About once or twice a year, trespassers have painted graffiti on the east wall. Two days before minor was detained for vandalizing the east wall, Lilly saw that the east and west walls had no graffiti. The day after minor was detained, Lilly saw graffiti on both walls. He concluded that "it is just obvious" that the same person had painted the graffiti on both walls. It "looked like" the perpetrator had used "the same color of paint." Moreover, the graffiti on both walls was "similar." Lilly remembered seeing "805" and either "PR13" or "Paso Robles 13" on both walls. The letters were painted in the same style.

Juvenile Court's Ruling

Minor's counsel argued that, although she "didn't doubt" that the west wall had been vandalized, "there is no evidence that [minor] did it on that night." Therefore, minor cannot be ordered to pay restitution for graffiti removal on the west wall.

The juvenile court disagreed. Based on Lilly's testimony, it found that minor was responsible for the graffiti on both walls. Thus, it ordered him to pay restitution for graffiti removal on both walls.

Discussion

"[T]he juvenile court is vested with discretion to order restitution consistent with the goals of the juvenile justice system. [Citation.]" (*In re Alexander A.* (2011) 192 Cal.App.4th 847, 853.) "A restitution order . . . shall be of a dollar amount sufficient to fully reimburse the victim or victims for all determined economic losses incurred as the result of the minor's

conduct for which the minor was found to be a person described in Section 602" (Welf. & Inst. Code, § 730.6, subd. (h)(1).)

"The standard of review of a restitution order is abuse of discretion. . . . ' "When there is a factual and rational basis for the amount of restitution ordered by the trial court, no abuse of discretion will be found by the reviewing court." ' [Citations.]" (*In re Johnny M.* (2002) 100 Cal.App.4th 1128, 1132.)

Lilly's testimony provides a factual and rational basis for the juvenile court's determination that minor was responsible for the graffiti on the east and west walls. Both walls were graffiti free when Lilly saw them two days before minor was detained. The graffiti was painted in the same colors with "805" and either "PR13" or "Paso Robles 13" written on both walls. The letters were painted in the same style.

Disposition

The restitution order is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Linda D. Hurst, Judge
Superior Court County of San Luis Obispo

Jolene Larimore, under appointment by the Court of Appeal, for Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Victoria B. Wilson, Supervising Deputy Attorney General, Garrett A. Gorlitsky, Deputy Attorney General, for Plaintiff and Respondent.